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FISH AND WILDLIFE SERVICE
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DOCKETS
DEPT OF TRANSPORTATION

Mr. Bivan Patnaik
Environmental Standards Division
U.S. Coast Guard
2100 Second Street, S.W.
Washington, D.C. 20593-0001

Dear Mr. Patnaik:

The Fish and Wildlife Service appreciates the opportunity to provide comments on the U.S. Coast Guard's Notice of Proposed Rulemaking, "Mandatory Ballast Water Management Program for U.S. Waters." The Service has been challenged to mitigate the impacts of unintentionally introduced nonindigenous species in carrying out our mission to work with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people. We provide the following comments in response to your request.

We believe the Mandatory Ballast Water Management Program will significantly assist in addressing ballast water as a pathway for introduction of nonindigenous species from outside the EEZ. However, we continue to have concerns about the impacts of nonindigenous species unintentionally introduced by ships traveling within the EEZ (see Attachment). In addition, the compliance exemption including the statement, "...waters 200 nautical miles or greater from any shore for a sufficient length of time," is unclear. It would be helpful if "sufficient length of time" was further defined or explained.

We concur with the provision that revises the criteria for mid-ocean exchange by removing the constraint of exchanging ballast water in waters more than 2000 meters deep. If, in the future, it is determined that exchanging ballast water in waters more than 2000 meters deep is biologically or ecologically important, we hope that the Coast Guard would consider re-instituting this requirement.

With regard to the options available to ships to comply with the Mandatory Ballast Water Management Program, we ask that the Coast Guard consider the following suggestions. To reduce impacts to endangered, threatened, and proposed species, mid-ocean ballast water exchange processes should take place away from identified areas where feeding and breeding of these species occurs. Examples of these areas include the "warm-ring cores" at the ocean surface and the Sargasso Sea. In approving ballast water reception facilities, we recommend the Coast Guard work with the facilities and any permitting authorities to ensure that the discharge of treated ballast water or storage and transfer of ballast water will not adversely affect endangered, threatened, and proposed species, and designated and proposed critical habitat.

We note that it will be important for the Service to evaluate the approval standards for reception facilities when the Coast Guard has completed their development. In addition, if any environmentally sound treatment methods analyzed by the Coast Guard may potentially affect endangered, threatened, and proposed species, or designated and proposed critical habitat, the Coast Guard must continue to consult with the Service pursuant to section 7 of the Endangered Species Act, as amended.

With regard to the wording changes in the Proposed Rule, it is our understanding that 33 CFR Part 151 §151.2035 will become required when the Final Rule is published in the Federal Register. However, the Proposed Rule does not address altering the reference to "voluntary guidelines of §151.2035" found in §151.2015.

In summary, we believe that the Mandatory Ballast Water Management Program will enhance the Coast Guard's ability to protect U.S. waters against the introduction of nonindigenous species via ballast water discharges. If you have any questions, please contact the Assistant Director for Fisheries and Habitat Conservation, Mamie Parker at 202-208-6394.

Sincerely,

Elizabeth A. Stevens

Acting DIRECTOR

Enclosure

Attachment
Concerns Associated with Ballast Water Discharge of Nonindigenous Species From Ships Traveling Within the EEZ

Alaska Region

A study funded in part by the Service under the Alaska Ballast Initiative highlights the unique risk that ballast water transport of non-native species poses to coastal Alaska. The final report (Hines and Ruiz, 2000, Biological Invasions of Cold-Water Coastal Ecosystems) is available at the website of our partners in that study, the Prince William Sound Regional Citizens' Advisory Council (http://www.pwsrcac.org). Among those findings: tankers arriving to Port Valdez release the third largest volume of ballast water of any U.S. port; nearly 96 percent of that tanker traffic and its associated ballast arrived from western U.S. ports (notably, including San Francisco Bay, home to highly invasive European green crabs and Chinese mitten crabs); an average of over 12,000 organisms per cubic meter, or a total of over 260 billion organisms per year, were delivered to the waters of this single Alaska port; and, of critical importance to our concerns with this proposed rule, the density of these organisms was often 10- to 100-fold higher in ballast water from tankers that traveled within the EEZ versus those arriving from foreign ports.

The regular pattern of coastal trade from West Coast ports back into Alaska waters by very high volume tankers, each harboring a high density load of non-native organisms, thus represents a continuous source of re-inoculation from highly invaded waters carried in vessels that do not undergo ballast water exchange. In sum, these findings mean that a disproportionately high percentage of the ballast-mediated risk to Alaskan waters comes from vessels that travel wholly or largely within the EEZ. Because the proposed rule does not change that practice, we believe it leaves the coastal waters of Alaska at substantial risk.

Southeast Region

The Service's Southeast Region is home to some of the largest ports in the United States. Ranked by tonnage, the Gulf of Mexico Region is home to eight of the ten largest ports in the U.S., including the ports of Tampa, Mobile, New Orleans, and South Alabama. These ports move a large volume of international trade. Two of the largest inland waterway systems, the Mississippi River and the Tennessee-Tombigbee Waterway, flow through these ports into the Gulf of Mexico. In addition, significant southeastern ports are found within the South Atlantic Bight, which includes the continental shelf region off the coasts of North Carolina, South Carolina, Georgia, and eastern Florida. This region encompasses many large and small bays and sounds sheltering numerous species of ecological and commercial importance and several national marine sanctuaries. The primary ports within this region are Charleston, SC, Savannah, GA, Jacksonville, FL and Miami, FL. Inland trade along the Gulf Intercoastal Waterway, as well as coastwise trade between neighboring Gulf ports and Atlantic coast ports, provides an opportunity to spread invasive species among ports. In addition, much of the coastwise trade in the Gulf region includes Mexico and Caribbean ports. Ships traveling along these coasts within the EEZ are not subject to the requirements of the Mandatory Ballast Water Management Program.

Pacific Region

Vessels that take on ballast water in San Francisco Bay (cited as one of the most invaded estuaries in the United States) and discharge their ballast in Puget Sound, having not left the EEZ, would not be regulated under Mandatory Ballast Water Management Program. However, these vessels may pose a more significant risk for introductions of nonindigenous species than vessels arriving from overseas. National regulation of ballast water discharge for ships traveling within the EEZ could help align existing disparate state regulations for ships discharging ballast water while conducting coastwise voyages.